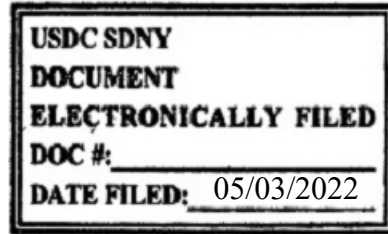


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEIDY REYES,
Plaintiff,
-against-
JSD CONSTRUCTION GROUP, INC., et al.,
Defendants.



21-CV-3406 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

United States District Judge Paul Gardephe referred the parties in this action to mediation on July 23, 2021. (Dkt. No. 19.) The mediation was successful in resolving the parties' dispute, including claims brought under the Fair Labor Standards Act (FLSA). (Dkt. No. 23.) On October 25, 2021, the parties filed a motion for approval of their FLSA settlement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (Dkt. No. 24.) More than four months later, they consented to the jurisdiction of a United States Magistrate Judge for all remaining proceedings, and on March 23, 2022, the case was re-assigned to my docket pursuant to 28 U.S.C. § 636(c). (Dkt. No. 28.)

Having reviewed the parties' settlement approval papers, the Court notes that they failed to submit copies of (i) plaintiff's counsel's retainer agreement; (ii) plaintiff's counsel's contemporaneous time records; and (iii) documentation of plaintiff's expenses, which must be provided so that the Court can consider "the reasonableness of attorneys' fees and costs." *Fisher v. SD Protection, Inc.*, 948 F.3d 593, 606 (2d Cir. 2020). In this Circuit, "contemporaneous time records are a prerequisite for attorney's fees[.]" *New York State Ass'n for Retarded Children v. Carey*, 711 F.2d 1136, 1148 (2d Cir. 1983); *see also Barsa v. Beacon Health Options, Inc.*, 2020 WL 7240346, at *6 (S.D.N.Y. July 10, 2020) (Moses, M.J.) (denying *Cheeks* motion for failure to submit contemporaneous time records and documentation of out-of-pocket expenses).

Accordingly, it is hereby ORDERED that, no later than **May 10, 2022**, plaintiff shall submit properly authenticated copies of (i) plaintiff's counsel's retainer and/or contingency fee agreement; (ii) plaintiff's counsel's contemporaneous time records; and (iii) documentation of plaintiff's expenses.

Dated: New York, New York
May 3, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge